IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4796 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE D.A.MEHTA
HON'BLE MS.JUSTICE H.N.DEVANI

==========

1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

==========

SWATI ENTERPRIZE &2 - Petitioner(s)

Versus

UNION OF INDIA &3 - Respondent(s)

==========

Appearance :

MR PARESH M DAVE for Petitioner No(s).: 1,2.

MR YN RAVANI for Respondent No(s).: 1.
MR JITENDRA MALKAN for Respondent No(s).: 1.
RULE NOT RECD BACK for Respondent No(s).: 2,3.

==========

CORAM :HON'BLE MR.JUSTICE D.A.MEHTA
HON'BLE MS.JUSTICE H.N.DEVANI

Date : 01/07/2005

ORAL JUDGMENT

(Per : HON'BLE MR.JUSTICE D.A.MEHTA)

1. **For the reasons stated in our judgement and order of even date in Special Civil Application No.4795 of 2005, this petition is allowed as it is common ground between the parties that the facts and circumstances obtaining in case of Topland Engines Pvt. Ltd. v. Union of India in Special Civil Application No.4795 of 2005 are identical.**
2. **Accordingly, Show Cause Notice No.F.No.V84(18)-1409/2004-Ref dated 31-1-2005 (Annexure "D") is hereby quashed and set aside. The petition is accordingly allowed. Rule made absolute. The respondents shall pay costs quantified at a sum of Rs.5,000/- [Rupees five thousand only]. In the first instance, the same shall be paid by the respondent authorities and thereafter, recovered from respondent No.3 personally.**

[D.A.MEHTA, J.]

[HARSHA DEVANI, J.]

parmar*